

Applicant : Klaus Eschenroeder et al.
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US

REMARKS

Claims 1-3, 10-20, 22 and 27-33 are pending in the application. Claims 4, 5, 21 and 23-26 have been canceled without prejudice or disclaimer of the subject matter therein, and new claims 27-33 have been added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks herein.

Examiner Interview

Applicants thank Examiner Cao for the courtesies and consideration extended to Applicant's undersigned representative during the telephonic interview on December 4, 2008. During the interview, Examiner Cao and the undersigned discussed specific claim amendments that would put the claims in condition for allowance in view of the cited references. Accordingly, the amendments and discussion introduced herein are based on those discussed during the interview. Consequently, favorable consideration and allowance of the claims are respectfully requested.

Claim Rejections – 35 U.S.C. § 112

Claims 14, 24 and 26 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. This rejection is respectfully traversed.

Claim 14 has been amended to overcome the rejection. Therefore, reconsideration and withdrawal of the rejection are respectfully requested. Claims 24 and 26 have been canceled without prejudice or disclaimer. Consequently, the rejection of claims 24 and 26 has been rendered moot.

Claim Rejections – 35 U.S.C. § 103

Claims 1-5, 10-22, 24, 26 stand rejected under 35 U.S.C. 103(a) as being obvious over U.S. Pub. No. 2006/0085798 to Bendiksen et al. ("Bendiksen") in view of U.S. Pat. No. 6,671,830 to Kaler et al. ("Kaler"). This rejection is respectfully traversed.

At the outset, Applicants note that claims 4, 5, 21, 24 and 26 have been canceled without prejudice or disclaimer. Consequently, the rejections of each of claims 4, 5, 21, 24 and 26 have been rendered moot.

As amended herein, each of claims 1, 10, 14, 15, 18, 19 and 22 has been amended to recite features discussed during the above-described Examiner Interview. More specifically, each of claims 1, 10, 14, 15, 18, 19 and 22 has been amended to include the features of the plurality of components including a first set of components that execute a first process instance and a second set of components that execute a second process instance with at least one of the plurality of components included in each of the first and second sets of components, and the agents including at least a first agent associated with one of the components of the first set of components and at least a second agent associated with one of the components of the second set of components.

These features are supported in the specification, as originally filed. For example, Fig. 4 illustrates a first process instance 42 that is executed by a first set of components that includes components 28, 30, 32, 38 and 40, and a second process instance 44 that is executed by a second set of components that includes components 32, 34, 36 and 40. In accordance with the embodiment of Fig. 4, components 32 and 40 are common to both the first and second set. Fig. 4 also illustrates an agent 52 associated with component 28, an agent 54 associated with component 38, and an agent 56 associated with component 36.

Bendiksen and Kaler, taken either alone or in combination, fail to disclose or render obvious at least the above-described features of claims 1, 10, 14, 15, 18, 19 and 22.

As discussed in Applicants' previous response, which is expressly incorporated herein by reference, Bendiksen provides an analyzer system 10 that includes analyzers 12 associated with databases 20, and a plurality of sensors 14 associated with user applications 18 (see Fig. 1 and paragraphs [0047]-[0051]). The sensors 14 capture event data at the user applications 18, and store the event data in the databases 20 (see Fig. 5, and paragraphs [0078]-[0080]). Accordingly, the sensors 14 of Bendiksen are associated with entire user applications 16. In fact, execution of the user application 16 is passed through the associated sensor 14 via a path 101 (see ¶ [0050])

and Fig. 1). Consequently, the sensor 14 of Bendiksen monitors execution of the entire user application 16, and not select components of a set of components that execute the respective user application. Further, Bendiksen fails to describe components that execute each of the user applications. Consequently, Bendiksen also does not describe first and second sets of components, much less first and second sets of components having at least one component in common.

Kaler fails to cure the deficient disclosure of Bendiksen. More specifically, Kaler is directed to a system for analyzing performance of a data processing system. Kaler provides applications 190 that are each monitored by both at least one in-process event coordinator (IEC) 193 and at least one dynamic event creator (DEC) 194. The IECs 193 and DECs 194 of each application 190 communicate with at least one local event coordinator (LEC) 199 (see Fig. 3, and col. 4, lines 7-20). As with Bendiksen, the IEC/DEC arrangement of Kaler monitors the entire application. Consequently, Kaler monitors execution of the entire user application, and not select components of a set of components that execute the respective user application. Further, Kaler fails to describe components that execute each of the user applications. Consequently, Kaler also does not describe first and second sets of components, much less first and second sets of components having at least one component in common.

In view of the foregoing, Bendiksen and Kaler, taken alone or in combination, fail to disclose or render obvious the above-described features of each of claims 1, 10, 14, 15, 18, 19 and 22. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Each of claims 2, 3, 11, 12, 13, 16, 17 and 20 ultimately depends from one of claims 1, 10, 14, 15, 18 and 19, which define over the asserted references, as discussed in detail above. Consequently, each of claims 2, 3, 11, 12, 13, 16, 17 and 20 also defines over the asserted references for at least the same reasons. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Claims 23 and 25 stand rejected under 35 U.S.C. 103(a) as being obvious over Bendiksen in view of Kaler further in view of *WISE: Business to Business E-Commerce*, Alonso et al. (“Alonso”). This rejection is respectfully traversed.

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Each of claims 23 and 25 have been canceled without prejudice or disclaimer. Consequently, the rejections of each of claims 23 and 25 have been rendered moot.

New Claims

New claims 27-33 have been added and depend from claims 1, 10, 14, 15, 18, 19 and 22, respectively. Each of new claims 27-33 includes features discussed during the above-described Examiner Interview. More specifically, each of claims 27-33 includes the features of the plurality of process data items including a first type of process data item and a different, second type of process data item that are each collected by a common agent upon occurrence of a common predetermined condition. As discussed during the Examiner Interview, these features are also not disclosed or rendered obvious by Bendiksen and Kaler. Therefore, favorable consideration and allowance of claims 27-33 are respectfully requested.

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CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to amendment. Applicants respectfully request consideration of all filed IDS' not previously considered, by initialing and returning each Form 1449.

No charges are believed due. However, if any fees are due, they are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 13913-0120001.

Respectfully submitted,



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